

Amendments to the Drawings:

The attached set of drawings (10 pages) includes changes to Fig. 3 on sheet 1 and Figs. 17 and 18 on sheet 10. In Fig. 3, the reference number 14 is moved to point to the adhesive layer as described in the specification on page 12, line 22. Also, schematic bonding line 42 is moved to show bonding between inner tab portion 16 and proximal end portion 4 as described in the specification on page 12, lines 27-32. This change has also been made to Figs. 17 and 18 since the description on page 20, line 11 refers to Fig. 3. Figs. 17 and 18 have also been amended to show a line of weakness at 68, as described in the specification on page 20, line 15. Also, the line at reference number 8 in Fig. 17 is amended to point to the distal end portion as described in the specification at page 20, line 12. Reference number 44 is removed from Fig. 17 since it is not described in connection with Fig. 17. No amendments have been made to the other Figures in this application, and no changes have been made on sheets 2 to 9 of the drawings. No new matter has been entered.

REMARKS

Claims 1-8, 10-14, 19-22 and 24-31 are pending. Claims 9, 18, and 23 were previously canceled. Claims 1-8, 21, 22 and 24-28 have been withdrawn from consideration. Claims 1, 17, 24, 29, and 30 are currently amended. New claim 31 has been added.

Reconsideration of the application, as amended, is requested.

Support for New Claim 31 can be found in the specification, for example, page 13, lines 11-17.

Claims 29 and 30 are amended to correct an editorial error as required in the Office Action. The other amendments to claim 29 are self-supporting.

Support for the amendment to claims 10 and 24 regarding direct contact of the anti-adhesive means and at least a part of the exposed portion of the inner tab portion is provided by the specification, for example, from page 13, line 18 to page 14, line 3. Support for claims 10 and 24 with regard to the distal end portion and the first major surface of said inner tab portion being directly connected where they overlap can be found in the specification, for example, page 13, lines 11-17, and Fig. 3. Support for other amendments to claim 10 is explained below in the response to the 35 USC § 112, first paragraph rejection.

Support for the amendment to claim 17 can be found, for example, in Figs. 17 and 18.

§ 112 Rejections

Claims 10-17, 19-20 and 29-30 stand rejected under 35 USC § 112, first paragraph, as purportedly failing to comply with the written description requirement.

The Office Action states:

Claim 10 recites the limitations "attached" and "uncovered" that appear to have no support in the originally filed specification. It is not clear what, if any, difference there is between attached and connected, which was previously stated in the claim and it is not clear what, if any, difference there is between exposed and uncovered.

In response, claims 10 and 17 have been amended to return the term "attached" to the word "connected", which was used in the original claims. Claim 10 has also been amended to

clarify that the exposed portion of the first major surface of the inner tab portion is not covered by the distal end portion to help define what is meant by the term "exposed" in view of the limitation that the exposed portion is in direct contact with the anti-adhesive means. While there may be no literal support for the phrase "is not covered", literal support is not a requirement under 35 USC § 112, first paragraph. At least page 13, lines 18 to 28, in connection with FIG. 3, provides support for the anti-adhesive means covering the exposed portion of the first major surface of the inner tab portion. That is, the anti-adhesive means covers a portion of the first major surface of the inner tab portion that is not covered by the distal end portion. From this description and FIG. 3, a person having ordinary skill in the art would understand that the Applicants had possession of the subject matter of amended claim 10 at the time the application filed.

In summary, Applicants submit that the rejection of claims 10-17, 19-20 and 29-30 under 35 USC § 112, first paragraph, has been overcome, and that the rejection should be withdrawn.

Claims 10-17 and 29-30 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

With regard to the terms "attached" and "uncovered", an explanation is provided in response to the rejection under 35 USC § 112, first paragraph, above.

With regard to the phrase "an anti-adhesive means is provided to contact... first major surface", the amendment to claim 10 clarifies that the anti-adhesive means is in direct contact with a portion of the first major surface of the inner tab portion.

Regarding claims 29 and 30, the preamble of these claims has been amended to correspond to claims 10 and 17, respectively, from which they depend.

In summary, Applicants submit that the rejection of claims 10-17 and 29-30 under 35 USC § 112, second paragraph, has been overcome, and that the rejection should be withdrawn.

§ 102 Rejections

Claims 10-14, 16 and 29 stand rejected under 35 USC § 102(b) as being anticipated by Tritsch (US 3,930,503).

Although Applicants do not necessarily agree with the rejection or the interpretation of claim 10, claim 10 has been amended in a clarifying way to facilitate prosecution.

Tritsch does not anticipate claims 10-14 and 16-17 because it does not teach each and every element as set forth in the claims, as amended. For example, Tritsch does not teach or suggest at least a closure tape tab "wherein said distal end portion and the first major surface of said inner tab portion are directly connected where they overlap, and wherein an anti-adhesive means is provided in direct contact with at least a part of said exposed portion of the first major surface of the inner tab portion", which is recited in amended claim 10 and included in claims 11-14 and 16 because of their dependency on claim 10. Moreover, it is unclear how or why a person having ordinary skill in the art would modify the disclosure of Tritsch to obtain a closure tape tab as claimed in amended claim 10.

At least for these reasons, the rejection of claims 10-14, 16 and 29 under 35 USC § 102(b) as being anticipated by Tritsch (US 3,930,503) has been overcome and should be withdrawn.

§ 103 Rejections

Claims 10, 15, 17 and 29-30 stand rejected under 35 USC § 103(a) as purportedly unpatentable over Tritsch (US 3,930,503) in view of Richman et al. (US 4,020,842).

It is unclear from the Office Action what disclosure in Richman et al. is used to support the rejection of claim 10. It is assumed that inclusion of claim 10 in this rejection was made in error. Moreover, claim 10 is patentable over Tritsch at least because the cited reference does not teach each and every element of claim 10 as described above. The disclosure of Richman et al. does not remedy this deficiency. Moreover, no evidence is provided that a person having ordinary skill in the art would modify the disclosure of Tritsch alone or in view of Richman et al. to obtain a closure tape tab as claimed in amended claim 10.

Regarding claim 15, claim 15 depends from claim 10. Tritsch does not teach or suggest each of the elements of claim 10 as described above. Richman et al. does not remedy this deficiency. Therefore, claim 15 is patentable for at least the reasons given above.

Regarding claim 17, the combination of Tritsch and Richman et al. does not teach every element of the claim, as amended. For example, the combination does not teach at least wherein "said distal end portion overlays and is directly connected to the first major surface of said inner

tab portion, wherein said distal end portion extends over said entire first major surface of said inner tab portion". Moreover, no evidence is provided that a person having ordinary skill in the art would modify the disclosure of Tritsch in view of Richman et al. to obtain a closure tape tab as claimed in amended claim 17.

Furthermore, with regard to Applicants' previous argument that the rejection lacks the rational underpinnings required to support a legal conclusion of obviousness, the office Action states:

Applicant argues that regarding claim 17 providing the line of weakness as disclosed by Richman would appear to result in the integral tab 13 of Tritsch to fall apart and destroy the function of the tab of Tritsch.

However, there is no evidence to support this position given that the line of weakness of Richman appears to be used to temporarily part the tab and not destroy it.

But since the Office Action has interpreted the distal end portion and the inner tab portion to be part of the same integral tab 13 of Tritsch, providing a line of weakness is the distal end portion would appear to have no purpose. If the line of weakness incorporated in Tritsch were broken, there would no longer be a useful finger loop. Unlike the Figs. 1 and 3 of Richman et al., which show that other portions of the tab are connected when the line of weakness is broken, no other portions of the tab of Tritsch are available to hold the distal end portion and the inner tab portion together to form a finger loop if the line of weakness were broken. Accordingly, providing such a line of weakness would serve no useful purpose in Tritsch. A person having ordinary skill in the art would therefore have no motivation to make such a modification.

Claims 29 and 30 depend from claims 10 and 17, respectively. Claims 10 and 17 are patentable over Tritsch (US 3,930,503) in view of Richman et al. (US 4,020,842) for at least the reasons described above. Therefore, claims 29 and 30 are likewise patentable.

In summary, at least for the reasons given above, the rejection of claims 10, 15, 17 and 29-30 under 35 USC § 103(a) as being unpatentable over Tritsch (US 3,930,503) in view of Richman et al. (US 4,020,842) has been overcome and should be withdrawn.

Claims 19-20 stand rejected under 35 USC § 103(a) as purportedly unpatentable over Tritsch (US 3,930,503) and/or in view of Richman et al. (US 4,020,842) in view of Loescher (WO 2004/075803).

Claim 19 depends from claim 10, and claim 20 depends from claim 19. Neither Tritsch, nor Richman et al., nor the combination thereof teaches or suggests each of the elements of claim 10 as described above. The disclosure of Loescher does not remedy this deficiency. Therefore, claims 19 and 20 are patentable for at least the reasons given above.

The rejection of claims 19-20 under 35 USC § 103(a) as being unpatentable over Tritsch (US 3,930,503) and/or in view of Richman et al. (US 4,020,842) in view of Loescher (WO 2004/075803) has been overcome and should be withdrawn.

Request for Rejoinder

Restriction was required between Group II to a closure tape tab and Group IV, a method of making the closure tape tab. Withdrawn claims 24 to 28 have been amended to incorporate all the claim features of patentable claim 10. Accordingly, it is submitted that they are likewise patentable. Rejoinder of at least claims 24 to 28 is respectfully requested. See MPEP § 821.04.

In view of the above, it is submitted that the application is in condition for allowance. Examination and reconsideration of the application as amended is requested.

Respectfully submitted,

December 3, 2010

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